

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CR94-FDW

UNITED STATES OF AMERICA,)
)
v.) DEFENDANT'S MOTION FOR EARLY
) TERMINATION OF SUPERVISED RELEASE
HOUTAN YAGHMAI,) and SUPPORTING MEMORANDUM OF LAW
Defendant.)
)

NOW COMES the Defendant, through counsel, and hereby moves for early termination of his supervised release. In support of his motion, the Defendant shows the following:

Yaghmai was indicted on April 26, 2006 for copyright infringement in violation of 18 U.S.C. § 2319(a) and 17 U.S.C. § 506(a). Yaghmai was part of a group of individuals (the "warez" scene) who illegally downloaded software, cracked the code for using and copying the software, and then uploaded the pirated materials to a site for other members of the group to use.

Yaghmai pled guilty on January 11, 2007 to one count of copyright infringement pursuant to written plea agreement. He was sentenced on November 1, 2007 to 12 months and 1 day imprisonment and two years supervised release. He was released from custody on November 13, 2008 and has been on supervised release for approximately 14 months. He now seeks early termination of his term of supervised release.

MEMORANDUM OF LAW

The Court can terminate supervised release early and discharge the defendant at any time after the expiration of one year of supervised release, if the Court is satisfied that such action is warranted by the conduct of the defendant and the interest of justice. *See* 18 U.S.C. § 3583(e)(1); F.R.Cr.P. 32.1. The decision whether to terminate supervised release early upon a defendant's motion is committed to the sound discretion of the district court. *See United States v. Pregent*, 190 F.2d 279, 282 (4th Cir. 1999) (reviewing denial of motion for early termination of supervised release for abuse of discretion).

Yaghmai is a good candidate for early termination. Prior to his conviction in this case, he had never been in trouble and had no criminal record. Before he was sentenced by the Court, he was on pretrial release for over 17 months with no violations. As stated above, he has been on supervised release for over a year now with no violations.

Yaghmai is 24 years old and has one quarter left to obtain his degree from the University of California-Riverside. He recently scored a 156 on his LSAT and hopes to enroll in law school at some point in the future. He currently lives with his father and stepmother in Palm Springs, CA.

Yaghmai's request for early termination of supervised release is motivated primarily by his desire to visit his family and friends in Canada. Yaghmai is a dual US/Canadian citizen. His mother still resides in Toronto, as do several of his family members. Yaghmai has been unable to visit his mother and other family and friends in Toronto due to travel restrictions related to supervised release. Additionally, one of his cousins is getting married this summer in Toronto, and Yaghmai would like to be able to go to the wedding.

Based on his good conduct before the offense, during pretrial release, during supervised release, and for the reasons stated above, Yaghmai believes that early termination is appropriate and warranted in the interest of justice.

WHEREFORE, Yaghmai moves the Court to enter an order terminating supervised release.

Respectfully submitted this the 19th day of January, 2010.

s/ Deke Falls
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CERTIFICATE OF SERVICE

I, Deke Falls, do hereby certify that I have served a copy of the foregoing Defendant's Motion for Early Termination of Supervised Release upon the following via electronic filing and email and addressed to the following:

[Corey.Ellis@usdoj.gov.](mailto:Corey.Ellis@usdoj.gov)

This the 19th day of January, 2010 .

s/ Deke Falls
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